

UNITED STATES DISTRICT COURT

for the
District of Arizona

10/23/17
United States of America)

v.)

Antonio Acuna-Losada,)
a.k.a.: Antonio Acuna-Lozada,)
a.k.a.: Antonio Acuna,)
(A 095 767 456))

Defendant

Case No. 17-470MS

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of October 23, 2017, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

Antonio Acuna-Losada, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at Nogales, Arizona, on or about October 15, 2016, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1). I further state that I am a Deportation Officer.

This criminal complaint is based on these facts:

See Attached Statement of Probable Cause Incorporated by Reference Herein

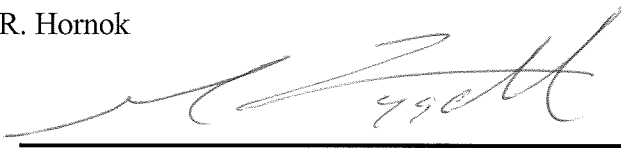
CEB
REVIEWED BY: Charles E. Bailey, P.S. for AUSA Jonathan R. Hornok

☒ Continued on the attached sheet.


Sworn to before me and signed in my presence.

Date: October 24, 2017

City and state: Phoenix, Arizona


Complainant's signature

Marcus D. Leggett,
Deportation Officer
Printed name and title


Judge's signature

Michelle H. Burns,
United States Magistrate Judge
Printed name and title

STATEMENT OF PROBABLE CAUSE

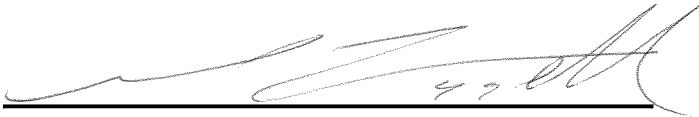
I, Marcus D. Leggett, being duly sworn, hereby depose and state as follows:

1. Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On October 23, 2017, during the local Cross Check Operation, ICE officers in the Phoenix Field Office encountered Antonio Acuna-Losada at the crossroads of 51st Avenue and Camelback Road, in Phoenix, Arizona. At the scene, ICE officers interviewed Acuna-Losada and determined him to be a citizen of Mexico, illegally present in the United States. On the same date, Acuna-Losada was transported to the Phoenix ICE office for further investigation and processing. Acuna-Losada was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.
3. Immigration history checks revealed Antonio Acuna-Losada to be a citizen of Mexico and a previously deported criminal alien. Acuna-Losada was removed from the United States to Mexico through Nogales, Arizona, on or about October 15, 2016,

pursuant to the reinstatement of an order of removal issued by an immigration judge. There is no record of Acuna-Losada in any Department of Homeland Security database to suggest that he obtained permission from the Secretary of the Department of Homeland Security to return to the United States after his removal. Acuna-Losada's immigration history was matched to him by electronic fingerprint comparison.

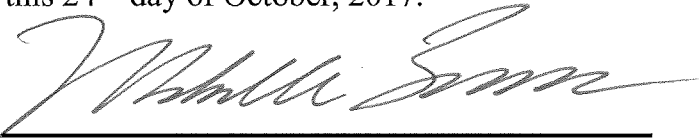
4. Criminal history checks revealed that Antonio Acuna-Losada was convicted of Reentry of Removed Alien, a felony offense, on October 3, 2016, in the United States District Court, District of Arizona. Acuna-Losada was sentenced to time served and one (1) year of supervised release. Acuna-Losada's criminal history was matched to him by electronic fingerprint comparison.
5. On October 23, 2017, Antonio Acuna-Losada was advised of his constitutional rights. Acuna-Losada freely and willingly acknowledged his rights and declined to make any further statements.
6. For these reasons, this affiant submits that there is probable cause to believe that on or about October 23, 2017, Antonio Acuna-Losada, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States

at Nogales, Arizona, on or about October 15, 2016, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1).

A handwritten signature in black ink, appearing to read "M. Leggett", written over a horizontal line.

Marcus D. Leggett,
Deportation Officer,
Immigration and Customs Enforcement

Sworn to and subscribed before me
this 24th day of October, 2017.

A handwritten signature in black ink, appearing to read "Michelle Burns", written over a horizontal line.

Michelle H. Burns,
United States Magistrate Judge